

Remarks on the Patients' Bill of Rights in Louisville, Kentucky August 10, 1998

The President. Thank you. Thank you, Dr. Peeno. Thank you, Dr. Peters. I must say, after they have spoken there hardly needs to be much else said. I was profoundly moved, as I know all of you were, by what both these fine doctors said, and I thank them for giving their time and their lives to the work that they have discussed with us today. Yes, let's give them another hand. I thought they were great. [Applause] Thank you.

Thank you, Mr. Mayor, for your warm welcome and your leadership. Thank you, my good friend, Senator Ford, for all the years of wise counsel and advice, for your work for Kentucky, for its communities, its farmers, its people. Thank you, Governor Patton, for your friendship and for working for the education and health of your children. Thank you, Congressman Baesler, for voting with us and supporting the Patients' Bill of Rights, along with Senator Ford, for both of them.

I'd like to thank your Lieutenant Governor, and doctor, Stephen Henry, for being here today; and State Auditor Edward Hatchett; Secretary of State John Brown; my good friend Judge Dave Armstrong from the same little patch of ground that I'm from in Arkansas. I'd like to thank our Director of Personnel Management, Janice Lachance, for coming down with me here today. And I'd like to thank all of the health care professionals who are here.

Embassy Bombings in Kenya and Tanzania

Ladies and gentlemen, before we begin, I would like to just ask you to permit me to say a few words about the terrible tragedy that occurred at our Embassies in Tanzania and Kenya. Our hearts are heavy with the news that now 12 Americans, brave people who were working to build a better world and represent all of us abroad, have lost their lives. Somewhere around 200 Africans have died in those bombs now. We mourn their loss. We extend our sympathies to their loved ones. To the nations of Kenya and Tanzania, we thank them for their friendship to us. We grieve for the loss of their citizens.

I would just like to ask all of you to take just a few seconds of silence in their honor.

[A moment of silence was observed.]

Amen.

We go forward now. You should all know that our teams are on the ground in Africa. They're tending to the wounded. They're providing security. They are searching and finding evidence. We will do whatever we can to bring the murderers to justice.

I must have said this 100 times or more since I've been President, but I want to say it again because it bears special meaning today. The world we are living in and the world we are moving toward will allow us to move around the world more rapidly and more freely than ever before and to move information, ideas, and money around the world more rapidly, more freely than ever before. It will be a global society that I am convinced will bring all Americans our Nation's best years. But there has never been a time in human history when we have been free of the organized forces of destruction. And the more open the world becomes, the more vulnerable people become to those who are organized and have weapons, information, technology, and the ability to move.

We must be strong in dealing with this. We must not be deterred by the threat of other actions. There is no way out if we start running away from this kind of conduct. We have to build a civilized, open world for the 21st century.

Now, back to the important business at hand. For 5½ years now, I have had the great honor of serving you and working with others to strengthen America for a new century, a global information age. We have tried to look ahead with new ideas relevant to the times, but based on our oldest values of opportunity for all citizens, responsibility from all citizens, and a community of all our citizens.

Thanks to the hard work, ingenuity, and civic spirit of the American people and to this new direction in policy, this is a time of great prosperity and profound national strength for America. We have a lowest unemployment in 28 years, the lowest crime rate in 25 years, the smallest percentage of our people on welfare in 29 years, the smallest Federal Government in 35 years, the highest homeownership rate in

history. Wages are rising at twice the rate of inflation. We have, as the Governor said, provided for the opportunity for health insurance for 5 million uninsured children. We have provided HOPE scholarships, worth about \$1,500 in tax credits a year for the first 2 years of college, tax credits for other years of college, interest deduction on—tax deductions on the interest on student loans, more Pell grants, more work-study positions to open the doors of college to everyone.

Compared to 5½ years ago, our air and water are clearer; our food is safer; there are fewer toxic waste dumps. And soon—soon—we will have the first balanced budget since Neil Armstrong walked on the Moon in 1969.

Now, here's the problem with that. Usually, in our personal lives, our family lives, our work lives, and a nation's life, after a series of difficult years, when times get good you want to say, "Thank goodness. I'm tired. I need a rest. I want to sit back and enjoy this. I've been working like crazy for years, and now things are good. Give me a break. Let me have a break." [Applause] And you agree, see?

That is the natural human tendency; that would be a mistake. Why? The world is changing very rapidly, as we see every day in the way we work and live and relate to each other and the rest of the world. If someone had told you 5 or 6 years ago that today Japan would be having the problems it's having, would you have believed that? I say that not critically; it is a great country full of brilliant people, and they will come back. But it is a reminder that things change in a hurry and we must always be ready.

I think you can overdo sports analogies, but I can't resist one since I'm in Kentucky. [Laughter] The way the world works today is like the last 10 minutes of a basketball game between two really talented teams. Now, you think about last season and what the Kentucky Wildcats did to people who sat on the lead. Now, think about it. How many games were you behind in that you won? You can't afford to do it. The world is changing, so we should take the confidence, the resources, the good fortune that we gratefully have now and use it to meet the big challenges still facing the country. That is very important.

We've got to continue to work on economic growth, to stay with the strategy of fiscal discipline and open trade and investment in our

people that has brought us this far. And we have to prove we can extend the benefits of this recovery to people who haven't felt it yet, from the inner cities to Appalachia.

We have to continue to lead the world toward peace and freedom. We can't withdraw from the world. Witness the events of the last few days. We have to stand against the spread of chemical, biological, and nuclear weapons. We have to stand against the reach of international organizations of crime and terror and narcotrafficking. We have to stand against the destruction of racial and ethnic and religious hatred, against the threat of global environmental and health challenges.

Here at home we have to honor our obligations to future generations. And the most important thing we should do is to set aside every penny of the surplus we're going to have on October 1st until we have saved the Social Security system for the 21st century when the baby boomers require it.

We have to make sure all of our people have a chance in tomorrow's world by making our elementary and secondary schools the best in the world. We need smaller classes, more highly trained teachers. We need modernized schools connected to the Internet. We need schools where there is discipline and good behavior and no gangs, guns, and drugs.

We need high standards and accountability and great flexibility in meeting them. We need to prove we can protect our environment and still grow our economy. We have to continue to prove we can reach across the lines that divide us in this increasingly diverse country and be one America.

A good way to view this moment in history, I believe, is through the lens of the First Lady's theme that she came up with for our Millennium Project as we look toward how we will mark the changing of the centuries and the changing of 1,000 years: "Honor the past; imagine the future." That's what we should be doing.

We have come here today to talk about a very important part of one other big challenge we face: how we can put progress over partisanship, people over politics, to expand access to quality health care to every American. Nothing is more critical to the securities of our families, the strength of our communities. Health is something we take for granted until we or our loved ones don't have it anymore. But people like the two fine doctors who talked to us deal

with folks like that every day. It isn't a partisan issue, and I appreciated the fact that they made that clear. You know, when someone gets sick and comes in to see one of these two doctors and fills out a form, there is no box that says, "Republican, Democrat, or independent."

Health care is being revolutionized in America. Most of the changes are good. Stunning biomedical breakthroughs pose the possibilities of vaccines or cures for our deadliest enemies, from diabetes to AIDS to Alzheimer's. Before you know it, this genome project will be finished, and we'll be able to decode the genetic structure of every person. Mothers will know when they bring their babies home from the hospital what the potential problems are that those babies have, and some of it will be troubling to know, but most of it will be good because they'll be able to avoid all kinds of problems that might otherwise have come to their children.

It will be unbelievable what's going to happen to health care in the 21st century. There have already been examples of nerve transplantations in laboratory animals where their spines have been severed and now their lower limbs are moving again. It will be an amazing time.

The trick is how to extend affordable coverage of all these miracles and basic preventive health care to all Americans. That's really how the managed care revolution began. You know, when I became President, for the last 10 years health care costs had been going up at 3 times the rate of inflation. We were spending approximately 4 percent more of our national income—and at the time, that was about \$240 billion a year—than any other country on Earth on health care, even though we were one of the few industrialized countries that still have a significant percentage of our people without any health insurance. That was an unsustainable trend.

Since 1990 the number of people in managed care has nearly doubled. Today most Americans, 160 million of us, are in managed care plans. And as has already been said, I think, on balance, there have been a lot of good things to come out of managed care to make it more affordable, more accessible, to make the resources go further. But you've heard these doctors say that some very, very costly errors have been made by putting the dollar over the person.

I'll never forget the people that I have met and the stories they've told me. I met a woman named Mary Kuhl, from Kansas City, whose husband died. He needed specialized, urgent heart surgery. By the time he got the clearance to get it, it was too late. I met Mick Fleming, whose sister died of breast and lung cancer after she was denied treatment that she was later determined to have been entitled to. I met a billings manager that the doctor referred to, who herself bears the scars of having to turn away patients. I think in some ways, of all the people that have talked to me, she was the most moving of all, because she had to deliver the "no" face to face.

Now, when the bottom line is more important than patients' lives, when families have nowhere to turn, when their loved ones are harmed by bad decisions, when specialist care is denied, when emergency care is not covered, we have to act. That's why you heard, at the grassroots level in America, Republicans and Democrats, conservatives and liberals, even people who think normally the Government should not do anything that can fairly be done by the private sector, have developed this overwhelming grassroots consensus that we need a Patients' Bill of Rights in America.

I've done what I could administratively, and some of you are probably covered by decisions that I and my administration have made. I acted to extend the protections of the Patients' Bill of Rights to 85 million Americans who get health care through Federal plans. In June we extended it to 40 million people who receive Medicare. Last month we put in place new rapid appeals for the 3 million veterans who receive health care through the Department of Veterans Affairs. Last week the Department of Defense issued a directive to all military bases throughout the world, extending protections to 8 million service men and women and their families at nearly 600 hospitals and clinics all around the globe.

We are already extending many patient protections, such as the right to a specialist and continuity of care, to Federal workers. And that's why Janice Lachance is here with me today, because we are announcing that we are now requiring that 350 health plans that serve Federal employees to repeal the gag rules that keep doctors from telling patients all their health care options, not just the cheapest ones.

Now, a lot of States are acting in this area, too. Kentucky has a patients' bill of rights. But I can tell you because of the way the laws work, there is no substitute for a national law. We cannot provide protection for all Americans. We will leave many, many tens of millions behind unless we have strong, bipartisan legislation that covers every American.

Now, for 9 months, I've worked in good faith with lawmakers of both parties to pass a strong, enforceable, bipartisan bill of rights. We are fighting for a bill supported by both Democrats and Republicans, and again, I thank Wendell Ford and Scotty Baesler for their support.

Now, for 9 months, the leadership of the majority party in Congress has resisted taking any action at all. They have listened to those with an interest in preserving the status quo, rather than the clear call of the public interest we have heard echoing across this hall today. Now public demand is rising, and the Republican leadership has discovered the need to act. So the House passed a plan last month, and the Senate Republicans have offered a similar bill. But these bills would give patients and their families a false sense of security.

You've already heard some of the comments. But this is very important, that when everybody is calling for a Patients' Bill of Rights and both parties pushing proposals, how can the American people know what a real one is? Well, that's what this chart is about over here. And maybe—Jerry, would you hand me the chart? You don't have to bring the stand; just bring that chart up here. I'll hold it. He said he's the Vanna White of Louisville here. *[Laughter]* I'm not going to discuss that. *[Laughter]*

I want you to look at this, because that's what this is all about. A real Patients' Bill of Rights at least continues and should strengthen the medical privacy provisions in place today. In the age of computer databases and the Internet, we should strengthen the privacy of medical records. Don't you want yours private? Don't you? *[Applause]* I have a proposal that would do this.

The House Republican bill would dramatically increase the number of people who can see your medical records without your knowledge or consent. It overturns privacy protections already on the books in 20 States, including Kentucky. The bill would just wipe them from the books, and that is wrong. So here's the first test, protecting medical privacy laws: the Repub-

lican plan, no; our bipartisan proposal—and I should say we do have Republican support, including a fine doctor from Iowa, Dr. Ganske, in the Congress, for the bipartisan bill.

Second, a real Patients' Bill of Rights will guarantee the right to see specialists that you need. To reap the full rewards of modern medicine, you must have the ability to see, for example, a neurologist or a cardiologist if that is what is medically indicated. The congressional bills don't give you that right. Ours does. That's the second no-yes.

The third issue, a real Patients' Bill of Rights guarantees you won't lose your doctor in the middle of a medical treatment even if your employer switches health plans. This is a big deal! This is a big deal! Now, the GOP leadership bills don't do that. An insurance company could switch obstetricians in the 6th month of pregnancy or drop your oncologist in the middle of chemotherapy just because your employer switches plans.

A real Patients' Bill of Rights makes sure that health plans don't secretly give incentives to doctors to limit medical care. Now, the Republican leadership plan would permit that. Ours would not.

A real Patients' Bill of Rights guarantees you the right to emergency room care when and where you need it. When you are wheeled into an emergency room, you shouldn't have to start negotiating with your health plan.

This is the financial incentive; this is keeping your doctor through critical treatments—no, yes; no, yes. Emergency room—theirs, no; ours, yes.

A real Patients' Bill of Rights holds health care plans accountable for the harm patients face if they are denied critical care. Now, that's important. If a doctor denies you the health care you need, you can get help to pay for lost wages or medical costs today. If an HMO denies you the care you need, under the congressional leadership bill, you won't get any help at all. Now, if you have rights with no remedies, are they rights? How would you feel—what would you say to me?

What they're saying is, "Oh, this bipartisan bill, they have all these remedies, and it's just going to be a mess with a bunch of lawyers. Isn't that awful?" And a lot of people say, "Well, I don't like lawyers. I don't like lawsuits. Who wants to be in court?" Sounds pretty good.

Let me ask you this: How would you react if I gave a speech tomorrow that said, "My

fellow Americans, I love the Bill of Rights. I love the freedom of speech, the freedom of assembly, the freedom of religion, the right to travel. I love all those Bill of Rights. But I don't like all these lawsuits. We got too many of them in America. Therefore, I have proposed to amend the Constitution so that no one can ever sue to enforce the right to free speech, free assembly, free practice of religion, or any other of the rights that have kept our country strong for 220 years." You would say—

Audience members. No way! [*Laughter*]

The President. So when you talk about remedies, do you have rights without remedies? I think we've seen enough there. That's a big issue.

A real Patients' Bill of Rights should apply to every plan, every single one. The Republican plan leaves out—listen to this—as many as 100 million people, many of them working for small businesses; 100 million people would still be under the present system, 100 million people who need our help. It is wrong. If we're going to do this, I don't want to leave 100 million Americans behind, and I don't think you do either, even if you would be covered. That's not right.

So you need to remember here, it isn't the title, "Patients' Bill of Rights"; it is the specifics. What are the specifics? Medical privacy: yes on our bill, no on theirs. Access to specialists: yes on our bill, no on theirs. Assuring that accountants don't make arbitrary medical decisions: yes on our bill, no on theirs—a big deal to doctors, because they know what happens to patients. Providing real emergency room protections: yes on our bill, no on theirs. Holding health plans accountable if patients are harmed: yes on our bill, no on theirs. Protecting patients from secret financial incentives: yes on our bill, no on theirs. Keeping your doctor through critical treatments—huge issue—I saw a lot of you nodding your heads when I said that you'd lose your doctor in the middle of your treatment: yes on our bill, no on theirs. And then covering all health plans, that is, all Americans: yes on our bill, no on theirs.

That's what's at issue. This is not about politics. This is not about party. This is about a

crying need for the American people, and it's time we did the right thing. We ought to do it now, in September, when Congress comes back.

I want to thank the American Medical Association, the American Nurses Association, the American College of Emergency Room Physicians, and so many others. I have to tell you, we need a bill of rights, not a bill of goods. We need a law, not another loophole. If I get that other bill of rights, I will be forced to veto it, and I will.

Now, I will say again, this is not a partisan issue any place in the country but Washington, DC. I believe Republicans and independents are just as much for this bill out here in the real world as Democrats are. Nothing should be less partisan than the quality of health care our people receive. We're a little more than 500 days from that new millennium, but there's only a handful of days left in this session of Congress. We cannot let this moment of opportunity be remembered as a time of missed opportunity.

Think of what I said about the basketball game. Think about how fast things are changing. Think about how fast things can change in your life, in your family's life, in your business' life, and in the life of our Nation. Now is the time to say, we thank God for the good fortune we have, but we are using it to look forward to the future, to make a better future, to meet the big challenges of this country. And we ought to begin next month, when Congress returns, with the Patients' Bill of Rights.

Thank you, and God bless you all.

NOTE: The President spoke at 11:35 a.m. at the Commonwealth Convention Center. In his remarks, he referred to Dr. Linda Peeno, cancer survivor, who introduced the President; Dr. Kenneth Peters, president, Kentucky Medical Association; Mayor Jerry E. Abramson of Louisville; Gov. Paul E. Patton and Lt. Gov. Stephen L. Henry of Kentucky; Kentucky State Auditor Edward B. Hatchett, Jr.; Kentucky Secretary of State John Y. Brown III; Judge/Executive David L. Armstrong, Jefferson County Commission; and Janice R. Lachance, Director, Office of Personnel Management.